

## Office of Professional Accountability (OPA) Commendations & Complaints Report July 2006

### Commendations:

Commendations Received in July: 25

Commendations Received to Date: 278

<b>Arulaid, Stepha Fox, P J</b>	A thank you note was received by two officers for the professionalism shown during a ride-a-long by two out-of-state Probation and Parole employees. They were instrumental in teaching them how our "system" runs.
<b>Baseley, George</b>	Officer Baseley was commended for his consistency in conducting thorough investigations and high quality of work. In this particular case, he pursued the matter of a possible suicide and saved a life.
<b>Bruce, Walter Caron, C. Lee, Pablo Scott, Dorie</b>	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Bruce was commended for his quick response.
<b>Chilo, Carl Ditusa, Maria Smith, Ronald</b>	A letter of commendation was received by two Detectives and one Sergeant for the compassion, patience and persistence exercised while investigating a child abuse case.
<b>Clark, Stephen Vela, Ariel</b>	A letter of commendation was received by Officer Clark for his excellent job on a missing 5-year old child. Officer Clark was outstanding and performed heroic work at this incident. Regardless of the potential dangers involved, he clearly demonstrated his dedication to saving lives. Sgt. Vela was commended on his great job in running the scene.
<b>Dupleich, Eric</b>	A letter of gratitude was received by Officer Dupleich and K-9 Barkley for their assistance with a shoplifting incident in progress. Their assistance was extremely helpful in locating the suspect who would have otherwise run free.
<b>Edison, Simon Estrada, Francis Neubert, Gregory Tietjen, Michael</b>	A memo was written to four officers commending them for how they handled a volatile situation involving a hostile crowd that could have easily gotten worse. They took appropriate measures to get the crowd to back off, yet demonstrated a great deal of restraint in the tactics used. Each officer displayed a great deal of professionalism and worked together well as a team.
<b>Harrington, David</b>	An e-mail was received by the department commending Officer Harrington for the high degree of dignity shown to a homeless person while on-duty. He maneuvered his squad car across two lanes of traffic to allow the citizen to cross the street safely. His actions were inspiring.
<b>Johnson, Jeffrey</b>	A thank you note was received by Officer Johnson for helping a citizen with a flat tire. A second letter of thanks was received by Officer Johnson for helping a young student make very drastic changes in his life and have a new start. He was very grateful for this opportunity.
<b>Ledbetter, Donald</b>	A thank you note was received by Detective Ledbetter for his excellent and timely training at the Spring/Summer NW Gang Investigators Association training session.
<b>McCoy, Dennis</b>	A thank you note was received by Sgt. McCoy for his excellent on-scene supervision during a felony stop.
<b>Moss, Monty</b>	A letter was received by Detective Moss commending him for the great job he did recently for the Department of Licensing at their annual training session for security guards in Washington. The attendees came out of the training session learning how to watch for suspicious activity and laws regarding their profession.

<b>O'Keefe, Kevin</b>	A letter of thanks was received by Det. O'Keefe for his presentation to a community college class. He spoke about major investigations and the CSI Unit. He stressed the importance of a crime scene and evidence. He was very clear and very thorough. Det. O'Keefe also received two thank you notes from high school students who participated and had the opportunity in a "job shadow" program at the CSI Unit.
<b>Ogard, David</b>	A note of appreciation was received by Det. Ogard for his work on a runaway case.
<b>Thompson, Alfred</b>	A thank you note was received by Det. Thompson for his presentation on identity fraud to the Seattle Neighborhood Group. He did a very effective job of communicating critical information on the problem as well as sharing steps that they can take to prevent the spread of identity theft and the escalating impacts of identity theft.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## July 2006 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
The complainant alleges that he was asked to leave a public area for no reason. When he complained, the employee was rude and failed to identify himself when asked.	There were no independent witnesses to the event. The employee had no recall of the event after four months. The complainant was not able to positively identify the employee, who was the only SPD member working at the location. The preponderance of the evidence could neither prove nor disprove the allegations. Finding—NOT SUSTAINED.
The named employee's estranged spouse alleges that the employee had engaged in a pattern of domestic abuse. It was also alleged that the employee violated an order from a superior to not contact the estranged spouse. The employee was arrested for domestic violence, which brought discredit to the Department.	A jury trial returned a verdict of NOT GUILTY in the criminal case. The evidence did not support the allegations of abuse or misconduct on the part of the named employee. Finding CUBO & Violation of Rules/Regulations/Laws—NOT SUSTAINED.  The investigation also determined that while the employee may have exercised poor judgment in attempting to contact his estranged spouse, he had not violated any specific orders. Finding Obedience to Orders—UNFOUNDED.
The complainant alleges that the named employee used profanity when the complainant asked why he was being arrested. The complainant also alleges that there was missing money from his camper after the named employee searched it.	The preponderance of the evidence could neither prove nor disprove the allegation. Finding CUBO—NOT SUSTAINED.  The investigation determined that the named employee had not entered the complainant's camper and could not have had access to the alleged missing funds. Finding Safeguard/Mishandle Evidence/Property—UNFOUNDED.
The complainant alleges that the named employee had no probable cause to make contact with him and demand identification. The	All parties and witnesses acknowledge the use of profanity. The investigation determined that the use in this instance was appropriate in conveying urgency and to get the complainant's attention. Based on the totality of the

complainant also alleges that the named employee used profanity during the contact and did not return his identification after the contact.	<p>situation, the use of profanity was effective and kept the event from escalating. Finding CUBO—EXONERATED.</p> <p>The named employee did retain the complainant's identification and had the complainant's father come to the Precinct to retrieve it. The preponderance of the evidence could neither prove nor disprove whether this was a policy violation. Finding Misuse of Authority—NOT SUSTAINED.</p>
The complaint alleges that the named employee confiscated an open beer from the complainant and while doing so, threw some on her head and face. Further, that a second officer entered the holding cell, grabbed the back of her neck, and held her head against the wall causing injuries.	<p>All witnesses confirmed that when the complainant was told to stop drinking from the open container, she refused. When the officer attempted to seize the container, the intoxicated complainant resisted and a "tug-of-war" ensued. All acknowledge that an accidental spill may have occurred, but it was not deliberate or intentional. Finding CUBO—UNFOUNDED.</p> <p>The named employee responded to assist officers who were searching the complainant when she became violent. The complainant was described as, "...volatile, abusive, threatening, and extremely intoxicated." The investigation determined that the officer's actions were reasonable and necessary. Finding Unnecessary Force—EXONERATED.</p>

**SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY**

Synopsis	Action Taken
The complaint states that when she was taken into custody, she had approximately \$250. When she was released, only \$20.51 was returned to her.	At the time of the complainant's arrest, she was in a stolen car and in an area known for drug trafficking. The investigation showed that the officer properly inventoried the complainant's property and that at the time of her release, there was no mention of the cash shortfall. When the complaint of the shortfall was made, there were numerous inconsistencies in the complainant's story. When the investigator questioned the complainant further, she hung up. It was determined that there was a serious credibility issue with the complainant's version of the incident. Finding—EXONERATED.

**UNNECESSARY FORCE**

Synopsis	Action Taken
The complainant stated that subsequent to his arrest for property damage that the named employees struck him in the face.	The investigation revealed inconsistencies in the testimony of the complainant and witnesses. The statements were determined to lack credibility. Finding—UNFOUNDED.
The complainant alleges that when the named employees contacted him, they grabbed him by his hair, and threw him to the ground causing slight abrasions.	The named employees were attempting to arrest the complainant when he would not comply and began taunting them. The officers applied minimal force to control and handcuff the complainant. The amount of force used was appropriate and necessary. Finding—EXONERATED.
The subject alleges during his intake screening at the Youth Service Center, that named employees used unnecessary force when they chased, kicked, and beat him during the incident.	The investigation revealed that the subject was being arrested for a felony and during the high-risk felony stop, broke away from the officer, who grabbed the fleeing subject, and took him to the ground. A violent struggle ensued as the subject attempted to escape again. Both the subject and the employee suffered injuries during the fight and additional officers were needed to bring the subject

	under control. The amount of force used was determined to be both appropriate and necessary. Finding—EXONERATED.
The complaint states that during an arrest, the named employees used excessive force when he was placed on the ground, handcuffed, and escorted to a transport vehicle. He further alleges that he was called a derogatory name, which he felt was offensive and inappropriate.	<p>The investigation determined that the named employees held onto the complainant to neutralize his flight potential and placed him on the ground. Finding Unnecessary Force—UNFOUNDED.</p> <p>There was no evidence that supported the complainant's claim that officers used an offensive or inappropriate reference during the incident. Finding CUBO—UNFOUNDED.</p>
The complainant alleges that while being arrested, named employees used excessive force when they forced him to the ground, shoved him into a door, kicked him, and pulled his hair. He also alleges that the named employees used profanity and would not provide him with medical attention.	The investigation developed witnesses that contradicted the allegations made by the complainant. It was also determined that some of the allegations may have actually occurred after SPD employees relinquished custody to KC Jail personnel. Finding—UNFOUNDED on all allegations.
The complainant alleges while in a holding cell, and restrained with handcuffs, he slipped the handcuffs from the back to the front of him. When the named employees entered the cell to re-cuff him, they used unnecessary force. The named employees also used profanity and that another employee intentionally stepped on and broke one of his earrings that had fallen to the ground.	There was conflicting testimony from the named employees, witnesses, and complainant. The preponderance of the evidence could neither prove nor disprove the allegations. Finding—NOT SUSTAINED on all allegations.
The complainant alleges that the named employee used excessive force when he struck the complainant in the knee with a "billy club". Further, the complainant alleges that officers told him that if there weren't people around, they would "kick (his) ass." Finally, the named employee in this incident was working in an "off-duty" capacity and the issue of an approved off-duty employment authorization was raised.	<p>Both named employees deny using any force and their statements were confirmed by independent witnesses. Finding Unnecessary Force—UNFOUNDED.</p> <p>The preponderance of the evidence could neither prove nor disprove the allegation of inappropriate comments. Finding CUBO—NOT SUSTAINED.</p> <p>The employee's supervisor remembers an authorization being processed, but no permit could be located or verified. Finding Off Duty Employment—NOT SUSTAINED.</p>
The complainant in this case was a third party witness to an arrest. He believes employees used unnecessary force while arresting and subsequently moving the subject in the incident. He further states that an employee was rude	Officers were arresting an angry and intoxicated subject that was blocking traffic and refusing to move from the street. The subject was handcuffed, but had to negotiate "jersey barriers" to be removed from the roadway. Officers had the subject lay across the barriers and then they rotated him to get him over the top of the barrier. The investigation determined that this was not a typical force situation. While

when he attempted to report the complaint.	<p>it may have caused the complainant concern, the actions of the officers were due to necessity and no unnecessary force was used. Finding Unnecessary Force—UNFOUNDED.</p> <p>The available evidence did not support a sustained finding for the rudeness complaint. Finding CUBO—NOT SUSTAINED.</p>
The complainant alleges that the named employee used unnecessary force while placing on handcuffs and bringing their arm to the rear to do so. Also the handcuffs were applied too tightly. Further, a second involved party states that the named employee threatened to harass him.	The investigation revealed completely different versions of the incident from the involved parties. The preponderance of the evidence supported the named employee's version of the incident. Finding Unnecessary Force & CUBO—UNFOUNDED.

## July 2006 Cases Mediated:

*The complaint alleged that the citizen was attempting to assist police at the scene of a fight when officers responded in a rude, challenging and threatening manner.*

### Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**“Supervisory Intervention”** means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

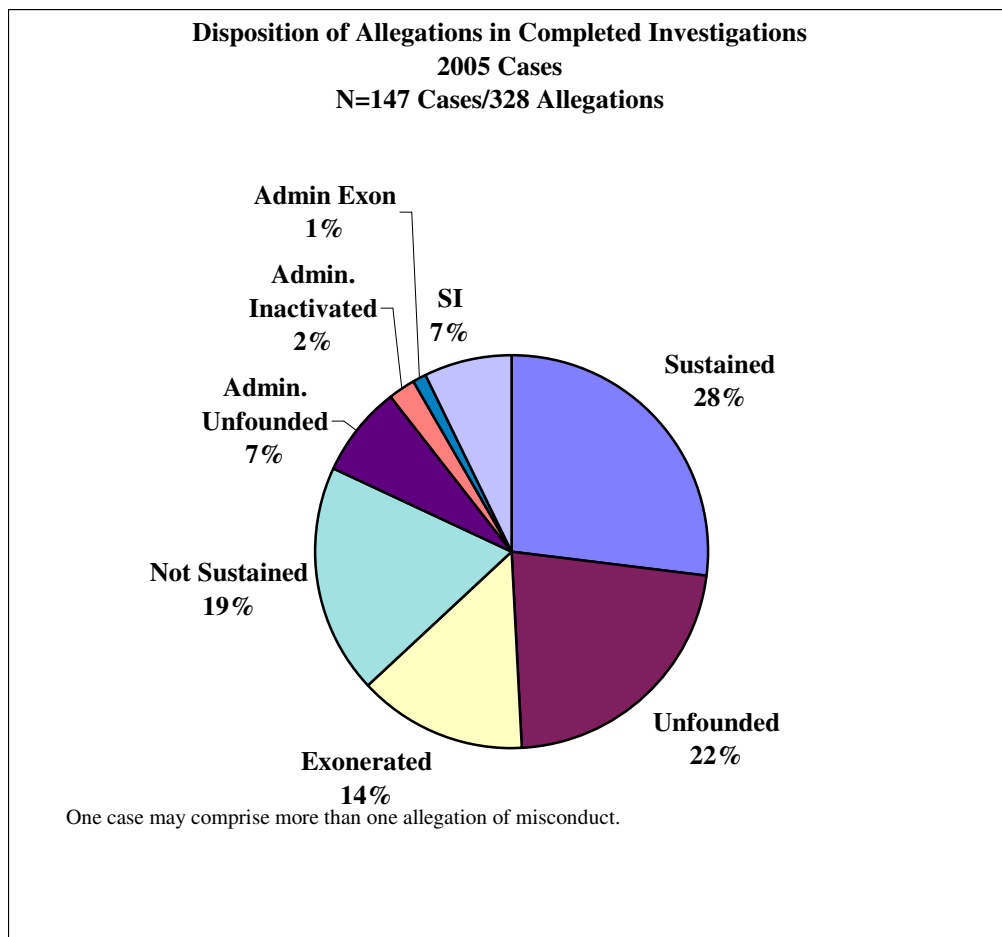
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	147*
Commendations	84	498

\*includes 2005 cases closed in 2006

note: the below chart has been changed effective the July 2006 report (June data) to reflect cases that have a "Supervisory Intervention" (SI) finding.



## 2006 Contacts

	July 2006	Jan-Dec 2006
Preliminary Investigation Reports	12	173
Cases Assigned for Supervisory Review	9	56
Cases Assigned for Investigation (IS;LI)	14	112
Commendations	25	278